

ARTICLE 28

FIRE AND OTHER INCIDENTS

1. Although the following relates primarily to fire incidents, the Parties recognize that many of the following provisions apply to other emergency incidents.
 - a. The Parties jointly and wholeheartedly are committed to “zero tolerance” of carelessness and unsafe actions.
 - b. The Parties jointly agree to adopt and support the following firefighting doctrine:
 - “The Forest Service believes that no resource or facility is worth the loss of human life. We acknowledge that the wildland firefighting environment is dangerous because its complexity may make events and circumstances difficult or impossible to foresee. We will aggressively and continuously manage risks toward a goal of zero serious injuries or fatalities.
 - The intent of wildfire suppression is to protect human life, property, and at-risk lands and resources.
 - Demonstrated fitness for command is a requirement for leadership positions associated with fire fighting.
 - When it is time to fight fire, we do so in a manner that maximizes effectiveness of effort, has highest regard for firefighter and public safety, and controls costs.
 - Every fire suppression operation is directed toward clearly defined, decisive, and obtainable objectives.
 - Command and control must be decentralized to cope with the unpredictable nature of fire. To achieve their leader’s intent and accomplish operational objectives, subordinate commanders are required to make decisions on their own initiative, and to coordinate their efforts.

- Using principles requires judgment in application, but adherence to rules does not. In combination principles and rules guide our fundamental wildland fire suppression practices and behaviors, and are mutually understood at every level of command.
 - We practice risk management to minimize the exposure and effects of the hazards inherent in fire suppression while maximizing the opportunities to achieve leader intent.”
- c. All Forest Service employees have a responsibility to support fire suppression emergencies in a manner that meets identified needs and is within their qualifications and capabilities.

2. Union Representation at Incidents:

- a. Union officials or their designees have the right to represent Bargaining Unit employees at all incidents. The Union may designate a sufficient number of representatives to assure up to 24-hour coverage, based on representational need, at any incident where Forest Service employees are present.
- b. The need for an onsite Union representative(s) will be based upon anticipated or actual representational workload as determined by the appropriate Council Vice President (CVP). If the appropriate CVP or designee determines a need to send a Union representative(s) to an incident command post, they will contact the Incident Commander (IC). The IC or designee will make arrangements for dispatch of the specified Union representative(s) designated by the CVP or designee to the incident. When a representative is dispatched, dispatch will be through the normal incident dispatch procedures. Initially, one Union representative may be dispatched. Based on anticipated or actual representational workload, as agreed upon by the CVP or designee and Incident Commander, additional Union representatives may be dispatched.
- c. When assigned in official capacity as a Union representative, overtime and compensatory time is not authorized.

- d. When a staffing level of 300 individuals on a Forest Service incident or 300 Forest Service employees on other than a Forest Service incident is reached and a command post has been established, the CVP or designee will be notified. Notification to the Union will be within 24 hours after staffing reaches 300. That notification will inform the CVP or designee of the location of the incident and the name of the Incident Commander. The IC will be notified of the name and contact information of the CVP or designee.
- e. If there is a serious accident, burnover, or fatality on any incident in which Forest Service employees are potentially involved, the CVP or designee will be notified as soon as practicable within 24 hours. If the CVP or designee cannot be contacted, the FSC President will be contacted.
- f. If no representative(s) is dispatched to the incident, the CVP's or designee's name and contact information will be conspicuously posted at the incident command post. If the need arises for an employee to contact the CVP, facilities will be made available to make this contact.
- g. Union representative(s) will check in with the IC or designee on arrival and departure.
- h. When a dispute arises from a situation on an incident, the timeline for raising that issue to the appropriate official under Article 9 will not start until the day after the employee returns to their official duty station. If the grievant is dispatched to another incident or temporary duty assignment that prevents them from preparing and presenting a grievance in a timely manner, the time limit will be extended as stated in the first sentence of this paragraph.

3. Restricted Facilities: Management will not restrict employees to facilities while in a nonpay status.

4. Spot Change Tour of Duty: After the first day on an incident, individuals are spot changed to a first 8-, 9-, or 10-hour daily tour of duty, depending upon their weekly tour of duty. The

individual resumes their normal daily tour of duty on the day following return from the incident. For a 2-day incident, the unit may elect to not spot change the individual's daily tour of duty.

- a. For a 1- or 2-day assignment, or during an initial attack assignment that extends beyond 24:00 hours and into the next day, an individual's daily tour of duty will not be spot changed at 00:01 hours. This means that initial attack hours worked after midnight until the individual's regularly scheduled tour of duty begins will be considered overtime.
- b. For an assignment where a crew is spiked out on an assignment without a sleeping bag or food, they will be compensated for their nonwork breaks.

(1) Regular government employees must be in nonexempt status to qualify for compensation. There is no authority to grant compensation to exempt employees for these conditions. Exempt employees can only be compensated for onshift time.

(2) ICs are responsible for determining when an inadequate food or lodging situation exists. This must be documented on the Crew Time Report, SF-261, in the remarks section. Hours recorded for an inadequate food or lodging situation count as hours of work for computation of the 2:1 Work/Rest ratio.

5. Application of Hazard Pay for Prescribed Burns:

- a. Employees working on these assignments will be paid hazard pay if the burn goes out of control and is declared a wildfire.
- b. A written burn plan for any prescribed fire will be made available to the Union upon request. This plan may provide conditions under which the responsible official may declare that a prescribed burn has become a wildfire.

6. Hazard Pay on Incidents:

- a. A member of a firefighting crew shall be defined as anyone assigned to an actual fireline for the shift. This can be documented in the Incident Action Plan or approved by the IC, Incident Supervisor, or local Line Officer.
- b. Incidental or occasional assignments, which make it necessary for an employee to be sent to the fireline area, are not normally considered as included in this definition.
- c. An Emergency Medical Technician (EMT), Safety Officer, Strike Team Leader, Division Supervisor, or other technical/resource specialist who is advising on line location, rehabilitation, or other necessary resource work along or within the fire perimeter or in areas where crews working on suppression tactics for the incident normally are entitled to hazard pay, is entitled to hazard pay provided they were assigned to the fireline as their primary work area for the shift.

7. Hazard Pay for Low-Level Flights: The Agency has determined that employees will be eligible for hazardous pay differential when flying in a helicopter for stationary or maneuvering above the ground at low elevations up to 500 feet above the terrain or vegetative canopy in daylight or at less than 1,000 feet in mountainous areas at night.

8. Work Capacity Test Program:

- a. The Work Capacity Test Program is the process used to facilitate preparation and testing of an employee. In accordance with Agency policy and the annual Work Capacity Test (WCT) for Wildland Fire Qualifications Implementation Guide, each employee involved with or wanting to be involved with fire programs will be required to meet the required fitness standards (FSH 5109.17). If the employee is interested and will be available for fire assignments but fire duties are not included in their position description they will follow the same guidelines and be afforded the same rights under this Section as those for employees in fire positions. Further information on implementation can be found in the current Work Capacity Test Implementation Guide.
- b. Those required to pass the WCT normally will be informed at least 4 weeks prior to the scheduled test date to allow time for fitness training as needed.

- c. For employees who fail their initial test but are not injured, they will be provided at least 48 hours to recuperate before their next test.
- d. Any employee who sustains an injury during the WCT, and is subsequently seen and certified as injured by a qualified medical provider (physician, physician assistant, or nurse practitioner), will not have that WCT counted as one of their attempts.
 - (1) Once released for full duty, the employee will be given sufficient time, based on the recommendation of the medical provider, to prepare for retesting. However, the employee will only be allowed up to 4 weeks for test preparation.
 - (2) Injuries shall be documented in the Agency's Safety and Health Information Portal System (SHIPS) database.
- e. Failure to pass the WCT results in the following:
 - (1) Temporary employees being hired into a fire position will be provided one additional opportunity to pass the required test at the discretion of Management.
 - (2) Permanent employees required to pass a WCT for duties associated with their positions will be provided two additional chances to pass the required test before action is initiated to address their fitness limitations.
 - (3) Permanent and temporary employees who do not perform fire assignments as a recurring part of their position but who are authorized to perform such duties may be retested as many times as Management deems appropriate.
- f. Health Screen Questionnaires (HSQ) and SF-78s are medical forms; they are to be filed in an official Employee Medical Folder and treated as "Confidential."
- g. The cost of any medical examinations for Forest Service employees that are required by the Agency will be borne by the Agency, including travel expenses. All

such medical examinations will be performed on official time.

- h. Any changes to the implementation, standards, or terms of Work Capacity Testing, HSQ, or Medical Standards Programs shall be negotiated in accordance with Article 11 by National Parties.

9. All-Hazard Response:

- a. The Agency responds and supports all-hazard responses by providing trained personnel to use their skills, capabilities, and assets without requiring significant additional training and preparation. Support to cooperators requiring Forest Service resources will be consistent with employee's core skills, capabilities, and training.
- b. Agency employees will be provided with appropriate risk mitigation (for example, vaccinations, personal protective equipment, etc.) to operate in the all-hazard environment to which they are assigned.
- c. All employees involved in all-hazard response will be supported and managed by an Agency leader, Agency liaison, or interagency incident management team.

10. Dispatch of Employees: Appropriate arrangements and procedures such as notification to employees, how to contact employees, rotation of assignments, etc., are negotiable at the appropriate level.

11. Employees with Family Responsibilities and Fire Duties: Fire managers and supervisors should utilize existing Agency family-friendly policies and authorities to ensure the safety and flexibility of work assignments for employees that have family responsibilities and obligations such as pregnancy, child care, elder care, etc.

12. Professional Liability Insurance (PLI):

- a. Bi-annually or upon review of the FSH 5109.17, Management and the Union will discuss which positions may become eligible for PLI.

- b. “Temporary fireline managers” are eligible to be reimbursed for up to one-half of the cost incurred for professional liability insurance including any administrative processing cost charged by the insurance company. To qualify, these “temporary fireline managers” must meet one of the following three criteria:
 - (1) Provide temporary supervision or management of personnel engaged in wildland or managed fire activities,
 - (2) Provide analysis or information that affects a supervisor’s or manager’s decision about a wildland or managed fire, or
 - (3) Direct the deployment of equipment for a wildland or managed fire.
- c. For more information including policy and procedures go to:
<http://fsweb.asc.fs.fed.us/HRM/benefits/PLI.php>.